



General Assembly

February Session, 2006

Raised Bill No. 5700

LCO No. 2490

02490_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING JUSTICE FOR ALL CHILDREN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-133 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) Nothing in this part shall be construed as preventing the arrest of
4 a child, with or without a warrant, as may be provided by law, or as
5 preventing the issuance of warrants by judges in the manner provided
6 by section 54-2a, except that no child shall be taken into custody on
7 such process except on apprehension in the act, or on speedy
8 information, or in other cases when the use of such process appears
9 imperative. Whenever a child is arrested and charged with a crime,
10 such child may be required to submit to the taking of [his] such child's
11 photograph, physical description and fingerprints. Notwithstanding
12 the provisions of section 46b-124, as amended, the name, photograph
13 and custody status of any child arrested for the commission of a capital
14 felony or class A felony may be disclosed to the public.

15 **(b) The Court Support Services Division, the Department of**
16 **Children and Families, the Division of Public Defender Services, the**

17 Department of Public Safety and representatives from at least one local
18 education agency and at least one municipal police department, with
19 participation from interested community nonprofit agencies, shall: (1)
20 Jointly develop and implement, in at least one pilot municipality or
21 geographical area, objective race-neutral criteria for determining
22 whether to detain a child within the juvenile justice system that shall
23 (A) be based solely upon the risk to the community presented by the
24 child, (B) not involve an interview with the child or the child's family,
25 and (C) be developed in accordance with nationally recognized models
26 created or made available by the Annie E. Casey Foundation Juvenile
27 Detention Alternative Initiative; and (2) after implementation of the
28 criteria developed pursuant to this subsection, conduct an evaluation
29 of juvenile detention admissions in the pilot municipality or
30 geographical area to determine whether such criteria is objective and
31 race-neutral and, if so, whether the use of such criteria results in
32 children being detained only when they present a risk to the
33 community. For the purposes of this subsection, "risk to the
34 community" does not include the risk of committing misdemeanor
35 offenses or committing actions that would lead to an adjudication
36 under section 46b-149.

37 [(b)] (c) Whenever a child is brought before a judge of the Superior
38 Court, such judge shall immediately have the case proceeded upon as
39 a juvenile matter. Such judge may admit such child to bail or release
40 [him] such child in the custody of [his] such child's parent or parents [,
41 his] or guardian or some other suitable person to appear before the
42 Superior Court when ordered. If detention becomes necessary or
43 desirable, [the same] such detention shall be in the manner prescribed
44 by this chapter.

45 [(c)] (d) Upon the arrest of any child by an officer, such officer may
46 release [him] such child to the custody of [his] such child's parent or
47 parents [,] or guardian or some other suitable person or agency or may
48 immediately turn [him] such child over to a juvenile detention center.
49 When a child is arrested for the commission of a delinquent act and the

50 child is not placed in detention or referred to a diversionary program,
51 an officer shall serve a written complaint and summons on the child
52 and [his] such child's parent [,] or guardian or other person having
53 control of the child. Such parent, guardian or other person shall
54 execute a written promise to appear in court at the time and place
55 specified in such summons. If any person so summoned wilfully fails
56 to appear in court at the time and place so specified, the court may
57 issue a warrant for the child's arrest or a *capias* to assure the
58 appearance in court of such parent, guardian or other person. The
59 court may punish for contempt, as provided in section 46b-121, any
60 parent, guardian or other person so summoned who wilfully fails to
61 appear in court at the time and place so specified.

62 [(d)] (e) The court or detention supervisor may turn such child over
63 to a youth service program created for such purpose, if such course is
64 practicable, or such child may be detained pending a hearing which
65 shall be held on the business day next following [his] such child's
66 arrest. No child shall be detained after such hearing or held in
67 detention pursuant to a court order unless it appears from the
68 available facts that there is probable cause to believe that the child has
69 committed the acts alleged and that there is (1) a strong probability
70 that the child will run away prior to court hearing or disposition, (2) a
71 strong probability that the child will commit or attempt to commit
72 other offenses injurious to [him] such child or to the community before
73 court disposition, (3) probable cause to believe that the child's
74 continued residence in [his] such child's home pending disposition will
75 not safeguard the best interests of the child or the community because
76 of the serious and dangerous nature of the act or acts [he] such child is
77 alleged to have committed, (4) a need to hold the child for another
78 jurisdiction, or (5) a need to hold the child to assure [his] such child's
79 appearance before the court, in view of [his] such child's previous
80 failure to respond to the court process. Such probable cause may be
81 shown by sworn affidavit in lieu of testimony. No child shall be
82 released from detention who is alleged to have committed a serious
83 juvenile offense except by order of a judge of the Superior Court. In no

84 case shall a child be confined in a community correctional center or
85 lockup, or in any place where adults are or may be confined, except in
86 the case of a nursing infant. [~~;~~ nor] In no case shall any child at any
87 time be held in solitary confinement. When a female child is held in
88 custody, she shall, as far as possible, be in the charge of a woman
89 attendant.

90 [(e)] (f) The police officer who brings a child into detention shall
91 have first notified, or made a reasonable effort to notify, the parents or
92 guardian of the child in question of the intended action and shall file at
93 the detention center a signed statement setting forth the alleged
94 delinquent conduct of the child. Unless the arrest was for a serious
95 juvenile offense, the child may be released by a detention supervisor to
96 the custody of [his] such child's parent or parents [,] or guardian or
97 some other suitable person.

98 [(f)] (g) In conjunction with any order of release from detention the
99 court may, when [it] the court has reason to believe a child is alcohol-
100 dependent or drug-dependent, as defined in section 46b-120, as
101 amended, and where necessary, reasonable and appropriate, order the
102 child to participate in a program of periodic alcohol or drug testing
103 and treatment as a condition of such release. The results of any such
104 alcohol or drug test shall be admissible only for the purposes of
105 enforcing the conditions of release from detention.

106 [(g)] (h) Whenever the population of a juvenile detention center
107 equals or exceeds the maximum capacity for such center, as
108 determined by the Judicial Department, the detention supervisor in
109 charge of intake shall only admit a child who: (1) Is charged with the
110 commission of a serious juvenile offense, (2) is the subject of an order
111 to detain or an outstanding court order to take such child into custody,
112 (3) is ordered by a court to be held in detention, or (4) is being
113 transferred to such center to await a court appearance.

114 Sec. 2. Section 53a-171 of the general statutes is repealed and the
115 following is substituted in lieu thereof (*Effective October 1, 2006*):

116 (a) A person is guilty of escape from custody if such person (1)
 117 escapes from custody, or (2) has been convicted as delinquent, has
 118 been committed to the Department of Children and Families, and (A)
 119 fails to return from a leave authorized under section 17a-8a, or (B)
 120 escapes from a state or private facility or institution in which such
 121 person has been assigned or placed by the Commissioner of Children
 122 and Families.

123 (b) If a person has been arrested for, charged with or convicted of a
 124 felony, escape from such custody is a class C felony, otherwise, escape
 125 from custody is a class A misdemeanor.

126 (c) This section shall not apply to any child or youth who has been
 127 committed pursuant to section 46b-129 or 46b-149.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2006</i>	46b-133
Sec. 2	<i>October 1, 2006</i>	53a-171

Statement of Purpose:

To provide for the development and implementation of objective race-neutral criteria for determining whether to detain a child within the juvenile justice system and to exempt certain juvenile commitments from the offense of escape from custody.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]